

# Public Document Pack

**Date of meeting** Tuesday, 17th January, 2023  
**Time** 7.00 pm  
**Venue** Astley Room - Castle  
**Contact** Geoff Durham 742222



**NEWCASTLE  
UNDER LYME**  
**BOROUGH COUNCIL**

Castle House  
Barracks Road  
Newcastle-under-Lyme  
Staffordshire  
ST5 1BL

## **Licensing & Public Protection Committee**

### **AGENDA**

#### **PART 1 – OPEN AGENDA**

##### **LICENSING COMMITTEE**

- 1 APOLOGIES**
- 2 DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**  
To receive declarations of interest from Members on items contained within the agenda
- 3 MINUTES OF A PREVIOUS MEETING** (Pages 5 - 8)
- 4 RELAXATION OF LICENSING HOURS FOR HIS MAJESTY THE KING'S CORONATION - LICENSING ACT 2003 CONSULTATION** (Pages 9 - 26)
- 5 UPDATING OF SECTION 182 GUIDANCE TO MAKE REFERENCE TO SPIKING - LICENSING ACT 2003 CONSULTATION** (Pages 27 - 50)
- 6 MINUTES OF LICENSING SUB COMMITTEE MEETINGS** (Pages 51 - 54)  
To consider the minutes of the Licensing Sub-Committees which have met since the previous Licensing and Public Protection Committee.

##### **PUBLIC PROTECTION COMMITTEE**

- 7 DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**  
To receive declarations of interest from Members on items contained within the agenda

- 8      **PUBLIC SPACE PROTECTION ORDER PUBLIC CONSULTATION UPDATE**      **(Pages 55 - 72)**
- 9      **PUBLIC SPACE PROTECTION ORDER PUBLIC CONSULTATION UPDATE**      **(Pages 73 - 96)**
- 10     **UPDATE ON RESULTS OF TAXI LICENSING APPEALS**      **(Pages 97 - 100)**
- 11     **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS**      **(Pages 101 - 102)**

To consider the minutes of the Public Protection Sub-Committees which have met since the previous Licensing and Public Protection Committee.

**12      URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972

**13      DISCLOSURE OF EXEMPT INFORMATION**

To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

**Members:**      Councillors Parker (Chair), Whieldon (Vice-Chair), S White, Barker MBE, Heesom, Sweeney, Wilkes, Skelding, Adcock, Dymond, Wright, Allport, J Williams, G Williams and Brown

**Members of the Council:** If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

**Meeting Quorums :-** Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

**SUBSTITUTE MEMBER SCHEME** (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

Substitute Members:	Hutchison	Beeston
	Panter	Fox-Hewitt
	Johnson	D Jones
	J Tagg	Richards
	J Waring	Stubbs
	Burnett	

*If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need to:*

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place)

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

**NOTE:** THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

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# Agenda Item 3

*Licensing & Public Protection Committee - 13/12/22*

## LICENSING & PUBLIC PROTECTION COMMITTEE

Tuesday, 13th December, 2022  
Time of Commencement: 7.00 pm

[View the agenda here](#)

[Watch the meeting here](#)

**Present:** Councillor Andrew Parker (Chair)

Councillors:	Whieldon	Wilkes	J Williams
	S White	Skelding	G Williams
	Barker MBE	Adcock	Brown
	Heesom	Dymond	
	Sweeney	Allport	

Apologies: Councillor(s) Wright

Substitutes: Councillor Wendy Brockie

Officers:	Matthew Burton	Licensing Administration Team Manager
	Geoff Durham	Mayor's Secretary / Member Support Officer
	Anne-Marie Pollard	Solicitor
	Darren Walters	Team Leader Environmental Protection

### 1. **DECLARATIONS OF INTEREST IN RELATION TO LICENSING MATTERS**

There were no declarations of interest stated.

### 2. **MINUTES OF A PREVIOUS MEETING**

**Resolved:** That the Minutes of the meeting held on 18 October, 2022 be agreed as a correct record.

### 3. **FEEES TO BE CHARGED FOR THE LICENSING OF SCRAP METAL DEALERS, GAMBLING, SEXUAL ENTERTAINMENT VENUE LICENSING 2023-24**

Members considered a report regarding the proposed fees to be charged in relation to Scrap Metal Dealers, Gambling and Sexual Entertainment venues for 2023/24, as set out in paragraph 3 of the report.

It was asked, how many scrap metal dealers licences there were in the Borough and also, why the fees for bingo and track betting had not changed when they were big business. There were currently 17 scrap metal dealer's licences in the Borough. The bingo and track betting fees were already at the maximum amount that the Council was allowed to charge.

## **Licensing & Public Protection Committee - 13/12/22**

It was queried why the figure of 4% was chosen for the increases. This was due to the figure relating to the Council's Financial Plan.

**Resolved:** That the fees to be charged for the licensing of Scrap Metal Dealers, Gambling and Sexual Entertainment Venues for 2023-24, be agreed.

[Watch the debate here](#)

### **4. DECLARATIONS OF INTEREST IN RELATION TO PUBLIC PROTECTION MATTERS**

There were no declarations of interest stated.

### **5. PRIVATE HIRE & HACKNEY CARRIAGE FEES & CHARGES 2023/2024**

Members considered a report regarding the proposed taxi and private hire fees, as set out in paragraph 2 of the report, prior to their being sent out for consultation.

**Resolved:** (i) That the proposed fees be sent out for consultation.  
(ii) That, following consultation a further report be brought to Committee.

[Watch the debate here](#)

### **6. CLEAN AIR ACT 1993 AS AMENDED - REVIEW OF SMOKE CONTROL AREAS AND ENFORCEMENT POWERS**

Members considered a report seeking authority to review the effectiveness of the existing smoke control areas, in force, within the Borough and enforcement powers to achieve improvements in air quality.

The reference PM2.5 was queried. This was referred to as being forty times smaller than a grain of sand. This tiny particle can find its way into the bloodstream and could cause a host of diseases.

A question was asked regarding the Council's approach on enforcement for residential properties emitting a lot of smoke. Currently the Council was reliant on existing Smoke Control Orders. Where a complaint was received, householders would be advised of their legal responsibilities, the smokeless fuels that were available and also that they could use a DEFRA approved appliance. Should this fail then enforcement could follow.

**Resolved:** (i) That an officer led review of the options available to the Council to achieve improvements in air quality emissions from chimney's serving buildings across the Borough in order to protect health, be approved.  
(ii) That a report be brought to the 21 March, 2023 meeting outlining options to achieve improvements in air quality emissions from chimney's serving buildings across the Borough in order to protect health.

[Watch the debate here](#)

7. **ENVIRONMENT ACT 1995 - PART IV LOCAL AIR QUALITY MANAGEMENT - ANNUAL STATUS REPORT 2022**

Members considered a report regarding the findings of the statutory Annual Status Report (ASR) for 2022 in respect of air quality within the Borough. The report covered the action being taken to monitor and improve local air quality in respect of Nitrogen Dioxide levels and particulate matter.

It was suggested that movement towards electric cars and more people working from home had made a difference to air quality. There had been a dramatic improvement in air quality during lockdown, which had been reflected nationally. However, due to the current economy, people were keeping hold of older cars for longer, therefore improvements were not as quick as had been anticipated.

An explanation was sought on paragraph 2.10 of the report. The Ministerial Directive was concerned with where people walked as opposed to where people lived.

- Resolved:**
- (i) That the contents of the ASR 2022 be noted and that it be submitted to DEFRA
  - (ii) That a further report be brought to Committee, should DEFRA's appraisers not accept the ASR 2022.

[Watch the debate here](#)

8. **ENVIRONMENT ACT 1995 PART IV- CONSULTATION ON REVOCATION OF LITTLE MADELEY AQMA**

Members considered a report seeking authority to consult with relevant stakeholders on the revocation of the Little Madeley Air Quality Management Area. The air quality in this area had been compliant for a number of years.

- Resolved:**
- (i) That officers be authorised to enter into a four week consultation exercise with relevant stakeholders with a view to revocation of the Little Madeley AQMA
  - (ii) That Committee receive a further report at its March 2023 meeting containing proposals for the Little Madeley AQMA along with details of consultee responses.

[Watch the debate here](#)

9. **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETINGS**

- Resolved:** That the Minutes of the meeting held on 13 July, 2022 be received.

10. **URGENT BUSINESS**

The following item was considered urgent in light of new Committee members and the items now being brought to Committee on Air Quality

Air Quality Training

***Licensing & Public Protection Committee - 13/12/22***

It was proposed that Members receive formal training on Air Quality. This would be arranged and carried out via Teams

**11. DISCLOSURE OF EXEMPT INFORMATION**

There were no confidential items

**Councillor Andrew Parker  
Chair**

Meeting concluded at 7.56 pm



## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### EXECUTIVE MANAGEMENT TEAM'S REPORT TO

#### Licensing and Public Protection Committee 17 January 2023

**Report Title:** Relaxation of licensing hours for His Majesty the King's coronation – Licensing Act 2003 Consultation

**Submitted by:** Head of Regulatory Services & Licensing Administration Team Manager

**Portfolios:** Finance, Town Centres & Growth

**Ward(s) affected:** All

#### **Purpose of the Report**

To inform the Committee of a Home Office consultation to allow certain licensed premises to open later than their normal hours. It is in relation to the weekend of His Majesty the King's coronation.

#### **Recommendation**

That Members note the content of the report and support the proposed consultation response

#### **Reasons**

The Home Office have opened a consultation on whether to allow a relaxation of licensing hours during the weekend of His Majesty the King's coronation in May 2023.

### 1. **Background**

- 1.1 Section 172 of the Licensing Act 2003 allows the Secretary of State for the Home Department to make a Licensing Hours Order ('Order') relaxing opening hours for licensed premises (any premises with a premises licence or a club premises certificate) in England and Wales to mark an occasion of 'exceptional international, national or local significance'.
- 1.2 Past national occasions where the government has extended licensing hours have included the late Queen's platinum jubilee in 2022, the Royal Weddings in 2018 and 2011, the late Queen's ninetieth birthday celebrations in 2016, and the late Queen's diamond jubilee in 2012. The power was also used during the World Cup in 2014 and the 2020 UEFA European championship final.

### 2. **Issues**

- 2.1 The Government have announced an extra bank holiday to take place on Monday 8<sup>th</sup> May 2023 to follow on from His Majesty the King's coronation that takes place on 6<sup>th</sup> May 2023.
- 2.2 The Government are consulting upon whether to approve a licensing hours order to allow any licensed premises that are already permitted to sell/supply alcohol for consumption on the premises and have regulated entertainment until 11pm to operate until 1am on Friday 5<sup>th</sup> May to Monday 8<sup>th</sup> May 2023. This would also allow for these premises to carry out late night refreshment during these times.

2.3 The relaxation would not apply to the sale of alcohol for consumption off the premises, late night refreshment premises or unlicensed premises. The purpose of any national relaxation of licensing hours to mark His Majesty the King's coronation would be to enable pubs and other on-trade premises to sell alcohol and late-night refreshment to those wishing to extend their celebrations of His Majesty The King's Coronation beyond their normal licensing hours over the extended bank holiday period.

2.4 The consultation document is attached as **Appendix A**. The consultation opened on 19<sup>th</sup> December 2022 and closes on 23<sup>rd</sup> January 2023. The document provides an introduction to the proposal, what the proposals are, the background to them and the consultation questions. There are seven (7) questions:

- Q1. Do you support the proposal for extending the licencing hours for His Majesty the King's coronation celebrations? Yes or No
- Q2. Do you agree that the order should only apply to the sale of alcohol for consumption on the premises? Yes or No
- Q3. Do you agree that the order should apply to both England and Wales? Yes or No
- Q4. Do you agree that the order should extend licensing hours on Friday 5 May until 1am the following morning? Yes or No
- Q5. Do you agree that the order should extend licensing hours on Saturday 6 May until 1am the following morning? Yes or No
- Q6. Do you agree that the order should extend licensing hours on Sunday 7 May until 1am the following morning? Yes or No
- Q7. If you disagree with this proposal, please give reasons.

Officers' recommendation is to answer 'Yes' to questions 1-6. Question 7 would then not be applicable. Officers' agree that the celebrations of His Majesty The King's Coronation is an occasion of exceptional significance.

### 3. **Proposal**

3.1 That Members note the content of the report and support the proposed consultation response which is to support the Home Office's proposal to relax the licensing hours as described above and in Appendix A.

### 4. **Reasons for Proposed Solution**

4.1 To inform Members of amendments to the Licensing Act 2003 and matters of local and national significance.

### 5. **Options Considered**

5.1 Not applicable

### 6. **Legal and Statutory Implications**

6.1 Not applicable

7. **Equality Impact Assessment**

7.1 Not applicable

8. **Financial and Resource Implications**

8.1 Not applicable

9. **Major Risks**

9.1 Not applicable

10. **Sustainability and Climate Change Implications**

10.1 Not applicable

11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

12.1 Not applicable

13. **List of Appendices**

13.1 Appendix A - Consultation: Relaxation of licensing hours for His Majesty the King's coronation

14. **Background Papers**

14.1 Not applicable

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Home Office

## **Consultation:**

# Relaxation of licensing hours for His Majesty The King's Coronation

This consultation begins on 19 December 2022

This consultation ends on 23 January 2023

## About this consultation

- To:** We are keen to hear from everyone who may be affected by a national relaxation of licensing hours, including: members of the public, those who live near to licensed premises, those who own or work in on-trade premises, the police, licensing authorities and trade associations. The consultation covers England and Wales where these proposals apply.
- Duration:** From 19 December 2022 to 23 January 2023.
- Enquiries (including requests for the paper in an alternative format) to:** Email: [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk)
- How to respond:** Please send your response by 23 January 2023. Responses can be submitted online through the [GOV.UK website](https://www.gov.uk) or by post by sending responses to:  
Licensing Hours Consultation  
Alcohol team  
5<sup>th</sup> Floor, Fry Building  
Home Office  
2 Marsham Street, SW1P 4DF  
Email: [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk)
- After the consultation:** Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the government's final policy intentions. All responses will be treated as public, unless stated otherwise.

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## Introduction

This paper sets out for consultation proposals to relax the licensing hours for His Majesty The King's Coronation. The consultation is aimed at members of the public, local licensing authorities, licensed premises, and other interested parties in England and Wales where these proposals apply.

Copies of the consultation are being sent to:

Local Government Association  
National Association of Licensing Enforcement Officers  
Institute of Licensing  
National Organisation of Residents Associations  
National Police Chiefs Council  
Association of Police and Crime Commissioners  
British Beer and Pub Association  
Association of Licensed Multiple Retailers  
Wine and Spirits Trade Association  
Alcohol Health Alliance  
Alcohol Research and Concern  
Institute of Alcohol Studies

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.



# The proposals

1. The government is consulting on whether to relax licensing hours across England and Wales to mark the His Majesty The King's Coronation on the 6 May 2023. The government proposes to make a licensing hours order under section 172 of the Licensing Act 2003 which would extend opening hours from 11pm to 1am on Friday 5 May, Saturday 6 May and Sunday 7 May, ending on Monday 8 May 2023, for the sale of alcohol for consumption on the premises and the provision of regulated entertainment in licensed premises in England and Wales.
2. The government has decided that, were it to relax licensing hours nationally following this consultation, this would relate to the sale of alcohol for consumption on the premises only and the provision of late-night refreshment in on-trade licensed premises. The government believes that the on-trade provision of late-night refreshment in licensed premises would be appropriate to accompany a relaxation of alcohol licensing hours to mark the His Majesty The King's Coronation, not least to support people to drink responsibly.
3. The government considers that any national relaxation of licensing hours should not apply to the sale of alcohol for consumption off the premises (i.e. in supermarkets and off-licences) as anyone wishing to mark the occasion at home will be able to buy alcohol during normal shopping hours. Late-night refreshment venues, by definition, are already licensed to open late at night and would not benefit from a relaxation in licensing hours. Unlicensed premises would also not benefit from a relaxation in licensing hours and would still need to give a temporary event notice (TEN) to undertake licensable activities.
4. The purpose of any national relaxation of licensing hours to mark His Majesty The King's Coronation would be to enable pubs and other on-trade premises to sell alcohol and late-night refreshment to those wishing to extend their celebrations of His Majesty The King's Coronation beyond their normal licensing hours over the extended bank holiday period.

## Background

5. Under section 172 of the Licensing Act 2003 (the Act), the Secretary of State may make an order relaxing licensing hours for licensed premises in relation to a 'celebration period' to mark an occasion of 'exceptional international, national or local significance'. A 'licensing hours order' can be used to relax licensing hours in licensed premises during a period not exceeding 4 days. An order may be applied to all licensed premises in England and Wales or only to premises in one or more specific area. Other variables in the order are the dates, times and licensable activities to which it applies. Since the introduction of the Act, this national power has been used to mark the Late Queen's Platinum Jubilee in 2022, the Royal Weddings in 2018 and 2011, the Late Queen's ninetieth Birthday celebrations in 2016, and the Late Queen's Diamond Jubilee in 2012. The power was also used during the World Cup in 2014 and the 2020 UEFA European championship final.
6. His Majesty The King's Coronation is a national celebration and it is likely that many pubs and other licensed premises will wish to open later over the coronation weekend to take advantage of the celebrations and the additional bank holiday.
7. Licence holders currently have the option of using a temporary event notice (TEN) to extend their opening hours for a limited period. A TEN costs £21 and must be submitted at least 10 working days before the event begins. However, they are subject to certain annual limits and may be refused if the police object on the grounds of crime and disorder. The TENs regime also allows people or organisations without existing licenses to give notice that they intend to sell alcohol at times when this would not otherwise be authorised on a 'one-off' limited basis. This system is designed to balance giving people and organisations flexibility in selling alcohol and carrying on other licensed activities, whilst protecting local people from the problems this can cause, including crime and disorder and public nuisance.
8. There are however potential risks to relaxing licensing hours such as the impact on enforcement agencies. Alcohol-related crime and disorder accounts for more than half the societal costs of alcohol and the number of alcohol-related violent incidents have been falling consistently. There have also been no reports of increased disorder as a result of the previous extensions to licensing hours for royal events. The government believes that any risk of additional disorder in relation to the licensing hours extension is low. This consultation will allow the police time to prepare in advance and allow other partners to respond accordingly.
9. On coming to its final decision on whether or not to relax the licensing hours nationally, the government will balance reducing burdens on businesses wishing to celebrate the His Majesty The King's Coronation with protecting the public from potential crime and disorder and public nuisance late at night.

# Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

**Q1: Do you support the proposal for extending the licencing hours for His Majesty The King's Coronation Celebrations?**

Yes

No

**Q2: Do you agree that the order should only apply to the sale of alcohol for consumption on the premises?**

Yes

No

**Q3: Do you agree that the order should apply to both England and Wales?**

Yes

No

**Q4: Do you agree that the order should extend licensing hours on Friday 5 May until 0100 the following morning?**

Yes

No

**Q5: Do you agree that the order should extend licensing hours on Saturday 6 May until 0100 the following morning?**

Yes

No

**Q6: Do you agree that the order should extend licensing hours on Sunday 7 May until 0100 the following morning?**

Yes

No

**Q7. If you disagree with this proposal, please give reasons.**

**Thank you for participating in this consultation.**

# About you

Please use this section to tell us about yourself.

<b>Full name</b>	
<b>Job title</b> or capacity in which you are responding to this consultation exercise (for example, member of the public)	
<b>Date</b>	
<b>Company name/organisation</b> (if applicable)	
<b>Address</b>	
<b>Postcode</b>	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Email address to which the acknowledgement should be sent	

**If you are a representative of a group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

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# Contact details and how to respond

Please complete the [consultation online](#) or send your response by 23 January 2023 to:

Licensing Hours Consultation  
Alcohol Team, 5<sup>th</sup> Floor Fry Building  
Home Office  
2 Marsham Street  
London, SW1P 4DF

**Email:** [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk)

## Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

## Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at <https://www.gov.uk/government/consultations/relaxation-of-licensing-hours-for-his-majesty-the-kings-coronation>.

## Publication of response

A paper summarising the responses to this consultation will be published. The response paper will be available online at <https://www.gov.uk/government/consultations/relaxation-of-licensing-hours-for-his-majesty-the-kings-coronation>.

## Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

## Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that

## Relaxation of licensing hours for His Majesty The King's Coronation

confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>





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Any enquiries regarding this publication should be sent to us at [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk).

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**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee  
17 January 2023**

**Report Title:** To update Section 182 Guidance to make reference to Spiking – Licensing Act 2003 Consultation

**Submitted by:** Head of Regulatory Services & Licensing Administration Team Manager

**Portfolios:** Finance, Town Centres & Growth

**Ward(s) affected:** All

**Purpose of the Report**

To inform the Committee of a Home Office consultation as to whether the Section 182 guidance should be updated to include references specifically to spiking in licensed premises.

**Recommendation**

That Members note the content of the report and consultation response submitted

**Reasons**

The Home Office have consulted upon on whether the Section 182 Licensing Act 2003 guidance should be updated to include references specifically to spiking in licensed premises. The consultation has closed and a response has been submitted on behalf of the Council.

1. **Background**

- 1.1 The Home Office issue statutory guidance under section 182 Licensing Act 2003. Where the Home Office seek to make amendments to the guidance they often consult with relevant stakeholders in advance, however this is not always the case.
- 1.2 In October 2021 the Home Office launched an inquiry following a sudden increase in the number of spiking incidents across the country. During the inquiry the Home Office received response from 1,895 victims and 1,413 witnesses of spiking incidents.
- 1.3 On 26<sup>th</sup> April 2022 a Home Affairs Select Committee (HASC) published a report in relation to Spiking following the results of the inquiry. The HASC report included twenty two (22) conclusions and recommendations for Government to act upon with two (2) being specific to local authorities and the Licensing Act 2003:
  - Recommendation 1 “We recommend that all staff working at music festivals, including vendors, be given compulsory safeguarding training, and this be a requirement that licensing authorities consider when approving events. This might be done along lines similar to training provided in voluntary schemes in other licensed premises, such as Ask Angela or the licensing security and vulnerability initiative (Licensing SAVI). We believe that a more formal and higher standard is required for outdoor music festivals owing to the comparatively younger age of festival-goers and the additional vulnerability that arises from their camping over at such festivals”; and

- Recommendation 6 - *“We are concerned that the Government is not doing enough to monitor licensing authorities’ use of powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. Within three months the Government should:*
  - (i) *collect data on local licensing authorities’ use of their powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;*
  - (ii) *work with local authorities to develop an anti-spiking strategy which encourages local licensing authorities to make better use of these powers; and*
  - (iii) *as part of this, review guidance issued under section 182 of the Licensing Act 2003 with a view to requiring licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.”*

## 2. Issues

2.1 Within the consultation document the Government offered their responses to the two recommendations:

- Recommendation 1 - *The Government agrees with the Committee that safeguarding training for staff is vital to ensure people attending events such as festivals can do so safely. The Government welcomes initiatives such as Ask Angela and LSAVI and would encourage local areas to consider how they can be used or replicated where necessary.*

*The Government believes that the devolved nature of decision making on licensing matters ensures local areas have the flexibility they need to address matters of public safety whilst also supporting a thriving local economy. It is a fundamental premise of the Licensing Act 2003 that any conditions imposed on a licence – whether for a permanent premises or an event such as a festival – are necessary and proportionate. The Government does not intend to mandate training for all staff at events such as festivals however we will review the section 182 guidance which accompanies the Licensing Act 2003 to reflect that when licensing committees are approving a licence for a festival, they should consider that staff are adequately trained in safeguarding.*

*Separately, the Government would like to highlight ongoing discussions with the festival sector to ensure that they, alongside local authorities, law enforcement, and hired security staff are taking appropriate action to protect potential victims and deter potential offenders. This includes opportunities for joint communications and sharing the emergency service response to spiking incidents with festival and security personnel; and*

- Recommendation 6 - *The Government continues to work with local areas to ensure that everyone is safe and secure in the night time economy. Our work to tackle violence against women and girls is continuing to drive momentum to improve the response to issues such as spiking and more widely. Since October 2021, there has been £30 million investment to date for projects with a particular focus on protecting women in their communities through Round Three of the Safer Streets Fund and the Safety of Women at Night Fund. An additional £50 million for 111 projects has been invested through Round Four of the Safer Streets Fund, which has a focus on tackling violence against women and girls in public places, as well as neighbourhood crime and anti-social behaviour.*

*We welcome the Committee’s suggestions on what more Government could do to augment ongoing work with local authorities. We currently collect statistics from local*

*authorities every other year on authorisations and licensing authority powers under the Licensing Act 2003.*

*Specifically, these include premises licences, club premises certificates, personal licences, late night refreshment, 24-hour alcohol licences, temporary event notices, early morning alcohol restriction orders, late night levies, and late-night refreshment exemptions. It also includes statistics on cumulative impact areas, reviews, hearings and appeals. We will explore with local authorities, licensing stakeholders and the Local Government Association whether data on licence reviews and revocations could be added to this report.*

*Government Ministers wrote recently to remind licensing committees of their responsibilities and the powers that both licensing committees and the police have available to them to ensure licensed premises are managed responsibly and safely, and to encourage collaboration between local agencies to ensure that spiking is considered when assessing licence applications. We will continue to work with partners to ensure that education, awareness, and dissemination of new initiatives and existing good practice are shared widely. The Government accepts part three of the Committee's recommendation and will review the guidance issued under Section 182 of the Licensing Act 2003 to consider whether we should require licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.*

- 2.2 The Government's conclusion was that the Licensing Act 2003 already contained satisfactory powers and safeguards to take appropriate steps to keep customers safe but committed to exploring whether amendments to the section 182 guidance may assist in "raising awareness of spiking, encouraging those applying for licences to thoroughly consider what, if any, measures they need to put in place to deter spiking, and to ensure that licensing authorities are giving due regard to issues around spiking when considering applications."
- 2.3 The Home Office opened their consultation on 16<sup>th</sup> December 2022 and it closed on 13<sup>th</sup> January 2023.
- 2.4 The consultation document provided an introduction to the proposals, what the proposals are, the background to them and the consultation questions. There were four (4) questions:
- Q1. Do you support updating the Section 182 guidance to make specific reference to spiking? Yes or No. Please provide rationale and recommendations
  - Q2. Do you agree with updating the Section 182 guidance to encourage local licensing authorities to consider placing additional conditions on licences to safeguard patrons against spiking? Yes or No. Please provide rationale and examples or recommendations
  - Q3. Do you support updating the Section 182 guidance to encourage licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy? Yes or No. Please provide rationale and examples or recommendations
  - Q4. Do you support the collection of data on local licensing authorities' use of their powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents? Yes or No. Please provide rationale and examples or recommendations

Officers' have submitted a response to the consultation following a review carried out with Chair of the Licensing & Public Protection Committee and Portfolio Holder. The response submitted answered all 4 questions 'Yes' and provided the below 'rationale and examples or recommendations':

- Q1. The reporting of spiking appears to have increased in prevalence over the past 18 months. The Borough Council are of the view that the issue of spiking falls within the licensing objectives of Public Safety and the Prevention of Crime and Disorder and as such is a relevant consideration for businesses and licensing authorities to consider under the Licensing Act 2003.
- Q2. As the Borough Council are of the view that spiking falls within the licensing objectives it would be appropriate for each applicant and licence holder to consider what measures they can take to safeguard their patrons from spiking. Upon application for the grant or variation to a licence these measures would then form part of the operating schedule of the licence, similarly to the provision of CCTV etc. Example conditions may include 1. *"The Premises Licence Holder or Designated Premises Supervisor must record each incident and allegation of spiking in a register, which may be physical or electronic in nature, and provide the register to any authorised officer from a responsible authority. The register must be kept on, or be accessible at, the premises at all times."* 2. *"The aforementioned register must include the date, time, and nature of the incident or allegation, as well as the details of the reporter and what action was taken by the staff at the time."*
- Q3. The Borough Council are of the view that the Statement of Licensing Policy (SLP) is to be used to guide applicants and licence holders on how to best promote the licensing objectives. Sexual harassment and misconduct, and gender based violence are prevalent within wider society but are often associated with licensed premises and the night time economy. It would be a sensible and practical approach to reference these matters within the SLP.
- Q4. The Government already collects an array of data from licensing authorities biennially in relation to licensed premises. There is no reason why collecting data as proposed would not be viable. On the contrary the data if collected may support wider Government policy in relation to their work around ensuring everyone who uses the night time economy can do so in a safe and secure manner.

A copy of the consultation document is attached as **Appendix A** and the Council response is attached as **Appendix B**.

### 3. **Proposal**

3.1 That Members note the content of the report and consultation response submitted

### 4. **Reasons for Proposed Solution**

4.1 To inform Members of amendments to the Licensing Act 2003 and matters of local and national significance.

### 5. **Options Considered**

5.1 Not applicable

### 6. **Legal and Statutory Implications**

6.1 Not applicable

7. **Equality Impact Assessment**

7.1 Not applicable

8. **Financial and Resource Implications**

8.1 Not applicable

9. **Major Risks**

9.1 Not applicable

10. **Sustainability and Climate Change Implications**

10.1 Not applicable

11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Committee Resolutions**

12.1 Licensing & Public Protection Committee – 28<sup>th</sup> June 2022 – Letter to Licensing Committees on Drink Spiking

13. **List of Appendices**

13.1 Appendix A - Consultation: To update Section 182 Guidance to make reference to Spiking  
Appendix B – Council response to Consultation 6<sup>th</sup> January 2023

14. **Background Papers**

14.1 [Home Affairs Select Committee \(HASC\) Ninth Report of Session 2021-22, Spiking \(HC967\) – Dated 26<sup>th</sup> April 2022](#)

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Home Office

## **Consultation:**

**To update Section 182 Guidance to  
make reference to Spiking.**

This consultation begins on 16/12/2022

This consultation ends on 13/01/2023

## About this consultation

- To:** We are keen to hear from everyone who may be affected by the changes made to the section 182 guidance.
- Duration:** From 16/12/2022 to 13/01/2023.
- Enquiries (including requests for the paper in an alternative format) to:** Email: [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk)
- How to respond:** Please send your response by 13.01.2023.  
Responses can be submitted via email to [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk) or by post by sending responses to:  
Section182 Guidance (Drink spiking)  
Alcohol team  
5<sup>th</sup> Floor, Fry Building  
Home Office  
2 Marsham Street, SW1P 4DF  
Email: [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk)
- After the consultation:** Responses will be analysed and a 'Response to Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless stated otherwise.

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# Introduction

The Home Affairs Committee (HASC) published its Ninth Report of Session 2021–22, Spiking (HC 967) on 26 April 2022. The report detailed that we launched this inquiry following a sudden increase in the number of spiking incidents across the country in October 2021 and reports of a new form that involved individuals being spiked with a needle. We conducted a survey to give individuals who had experienced or witnessed spiking an opportunity to explain what happened and what support was provided. Some 1,895 victims and 1,413 witnesses of spiking incidents responded. We are grateful to all who filled in the survey or provided evidence”

The Home Office is considering whether the Section 182 guidance should be updated to include references specifically to spiking in licensed premises. Whilst the Licensing Act 2003 itself does not address the risks around drinks spiking, and therefore Section 182 would not apply to this specific provision, the Government is keen to address the Committee’s concerns and considers such an update to the Section 182 guidance an appropriate way to do so. This will be a targeted consultation and we would encourage responses from the organisations listed below.

- **All local authorities**
- **Chairs of licensing committees**
- **Local Government Association**
- **National Association of Licensing Enforcement Officers**
- **Institute of Licensing**
- **National Police Chiefs Council**
- **Association of Police and Crime Commissioners**
- **British Beer and Pub Association**
- **Night Time Industries Association**
- **UK Hospitality**
- **Association of Convenience Stores**
- **Association of Licensed Multiple Retailers**
- **Wine and Spirits Trade Association**
- **Alcohol Health Alliance**
- **Alcohol Concern UK**
- **Drinkaware**
- **Institute of Alcohol Studies**
- **Security Industry Authority**

We would welcome responses to the following questions set out in this consultation paper.

## The proposals

The recommendations made by HASC and the Government responses are set out below:

### ***Recommendation 1 (paragraph 12, page 7)***

“We recommend that all staff working at music festivals, including vendors, be given compulsory safeguarding training, and this be a requirement that licensing authorities consider when approving events. This might be done along lines similar to training provided in voluntary schemes in other licensed premises, such as Ask Angela or the licensing security and vulnerability initiative (Licensing SAVI). We believe that a more formal and higher standard is required for outdoor music festivals owing to the comparatively younger age of festival-goers and the additional vulnerability that arises from their camping over at such festivals”

## Government response

The Government agrees with the Committee that safeguarding training for staff is vital to ensure people attending events such as festivals can do so safely. The Government welcomes initiatives such as Ask Angela and LSAVI and would encourage local areas to consider how they can be used or replicated where necessary.

The Government believes that the devolved nature of decision making on licensing matters ensures local areas have the flexibility they need to address matters of public safety whilst also supporting a thriving local economy. It is a fundamental premise of the Licensing Act 2003 that any conditions imposed on a licence – whether for a permanent premises or an event such as a festival – are necessary and proportionate. The Government does not intend to mandate training for all staff at events such as festivals however we will review the section 182 guidance which accompanies the Licensing Act 2003 to reflect that when licencing committees are approving a licence for a festival, they should consider that staff are adequately trained in safeguarding.

Separately, the Government would like to highlight ongoing discussions with the festival sector to ensure that they, alongside local authorities, law enforcement, and hired security staff are taking appropriate action to protect potential victims and deter potential offenders. This includes opportunities for joint communications and sharing the emergency service response to spiking incidents with festival and security personnel.

### ***Recommendation 6 (paragraph 59, page 23)***

“We are concerned that the Government is not doing enough to monitor licensing authorities’ use of powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls.

Within three months the Government should:

- (i) collect data on local licensing authorities’ use of their powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;
- (ii) work with local authorities to develop an anti-spiking strategy which encourages local licensing authorities to make better use of these powers; and
- (iii) as part of this, review guidance issued under section 182 of the Licensing Act 2003 with a view to requiring licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.”

## **Government response**

The Government continues to work with local areas to ensure that everyone is safe and secure in the night time economy. Our work to tackle violence against women and girls is continuing to drive momentum to improve the response to issues such as spiking and more widely. Since October 2021, there has been £30 million investment to date for projects with a particular focus on protecting women in their communities through Round Three of the Safer Streets Fund and the Safety of Women at Night Fund. An additional £50 million for 111 projects has been invested through Round Four of the Safer Streets Fund, which has a focus on tackling violence against women and girls in public places, as well as neighbourhood crime and anti-social behaviour.

We welcome the Committee’s suggestions on what more Government could do to augment ongoing work with local authorities. We currently collect statistics from local authorities every other year on authorisations and licensing authority powers under the Licensing Act 2003.

Specifically, these include premises licences, club premises certificates, personal licences, late night refreshment, 24-hour alcohol licences, temporary event notices, early morning alcohol restriction orders, late night levies, and late-night refreshment exemptions. It also includes statistics on cumulative impact areas, reviews, hearings and appeals. We will explore with local authorities, licensing stakeholders and the Local Government Association whether data on licence reviews and revocations could be added to this report.

Government Ministers wrote recently to remind licensing committees of their responsibilities and the powers that both licensing committees and the police have available to them to ensure licensed premises are managed responsibly and safely, and to encourage collaboration between local agencies to ensure that spiking is considered when assessing licence applications. We will continue to work with partners to ensure that education,

awareness, and dissemination of new initiatives and existing good practice are shared widely.

The Government accepts part three of the Committee's recommendation and will review the guidance issued under Section 182 of the Licensing Act 2003 to consider whether we should require licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.

## **Conclusion**

We recognise that incidents of spiking can take place in many different locations and are not solely confined to licensed premises. However, we are keen to ensure that in every public space where spiking may occur, sufficient awareness and appropriate safeguards are in place, both to reduce incidents and to ensure that – where spiking does take place – victims are given prompt support and attention.

We do not consider that legislative changes to the LA2003 are required to address the issue of spiking – as set out in the next section, we are of the view that the Licensing Act in its current form contains enough powers and safeguards for premises to take whatever steps they need to keep their patrons safe. We also recognise that incidents of spiking will not be an issue for many licensed premises and that bringing in legislation to make blanket changes to all premises would be disproportionate.

We have therefore committed to explore whether making some additions to the section 182 Guidance which accompanies the Licensing Act will enable us to achieve our aim of raising awareness of spiking, encouraging those applying for licences to thoroughly consider what, if any, measures they need to put in place to deter spiking, and to ensure that licensing authorities are giving due regard to issues around spiking when considering applications.

We recognise that this approach may go beyond the traditional remit for such guidance. However, we feel that this is the best way to achieve our aims quickly and without a long drawn-out legislative process. We welcome your views on this.

# Background

The matter of drink spiking within our communities is of significant concern – both to Government and the public. Everyone has a right to feel safe on the streets and whilst out in the night time economy (NTE) and they – quite rightly - expect Government, law enforcement, and the private sector to ensure that safety.

The Home Office is working closely with colleagues across Government and law enforcement to understand and tackle this issue. We recognise that spiking of any kind can be a very distressing and frightening experience for victims and we want to ensure that those reporting these incidents have access to the right support. Although we know that not all cases of spiking occur in licensed premises, we understand that these settings might be specifically targeted by offenders.

The Licensing Act 2003, which governs the control and issuance of licences to sell alcohol, allows local licensing authorities to take a tailored approach to granting premises licences in order to uphold the four licensing objectives – the most relevant here being the objective to prevent crime and disorder.

Licensing authorities can impose conditions on any business that wants to sell alcohol, in order to reduce crime. These can include requiring the presence of suitably trained and accredited door staff, or CCTV for example. Furthermore, a local licensing authority can, when appropriate, require a licence-holder to enforce entry searches as a condition of a premises licence.

The police already have considerable powers to take action where they think there is a problem – these include temporary closure powers. They can call for a review of the premises licence and work with the management and the licensing authority to introduce new conditions to allow the premises to operate more safely. Local mechanisms can introduce searches where they are needed more quickly than waiting for a national mandate to be brought into effect.

However, the Government understands that there is a need to go further in supporting the NTE in tackling the serious issue of drink spiking and recognise that further guidance may be the appropriate course of action.



# Questionnaire

We would welcome responses to the following questions set out in this consultation paper. We would appreciate further comments and recommendations to what amendments you would consider appropriate.

**Q1: Do you support updating the Section 182 guidance to make specific reference to spiking?**

Yes

No

Please provide rationale and recommendations

**Q2: Do you agree with updating the Section 182 guidance to encourage local licensing authorities to consider placing additional conditions on licences to safeguard patrons against spiking?**

Yes

No

Please provide rationale and examples or recommendations

**Q3: Do you support updating the Section 182 guidance to encourage licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.**

Yes

No

Please provide rationale and examples or recommendations

**Q4: Do you support the collection of data on local licensing authorities' use of their powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents.**

Yes

No

Please provide rationale and examples or recommendations

**Thank you for participating in this consultation.**

# About you

Please use this section to tell us about yourself

<b>Full name</b>	
<b>Job title</b> or capacity in which you are responding to this consultation exercise (for example, member of the public)	
<b>Date</b>	
<b>Company name/organisation</b> (if applicable)	
<b>Address</b>	
<b>Postcode</b>	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

**If you are a representative of a group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

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# Contact details and how to respond

Please complete the Consultation via email to [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk) or send your response by 13.01.2023 to:

Section 182 Guidance (Drink spiking)

Alcohol Team, 5<sup>th</sup> Floor Fry Building

Home Office

2 Marsham Street

London, SW1P 4DF

**Email:** [alcohollicensingconsultations@homeoffice.gov.uk](mailto:alcohollicensingconsultations@homeoffice.gov.uk)

## Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

## Extra copies

Further paper copies of this consultation can be obtained from this address

## Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

## Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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**Q1: Do you support updating the Section 182 guidance to make specific reference to spiking?**

Yes ✓

No

Please provide rationale and recommendations

Council response: *The reporting of spiking appears to have increased in prevalence over the past 18 months. The Borough Council are of the view that the issue of spiking falls within the licensing objectives of Public Safety and the Prevention of Crime and Disorder and as such is a relevant consideration for businesses and licensing authorities to consider under the Licensing Act 2003.*

**Q2: Do you agree with updating the Section 182 guidance to encourage local licensing authorities to consider placing additional conditions on licences to safeguard patrons against spiking?**

Yes ✓

No

Please provide rationale and examples or recommendations

Council response: *As the Borough Council are of the view that spiking falls within the licensing objectives it would be appropriate for each applicant and licence holder to consider what measures they can take to safeguard their patrons from spiking. Upon application for the grant or variation to a licence these measures would then form part of the operating schedule of the licence, similarly to the provision of CCTV etc. Example conditions may include:*

- 1. "The Premises Licence Holder or Designated Premises Supervisor must record each incident and allegation of spiking in a register, which may be physical or electronic in nature, and provide the register to any authorised officer from a responsible authority. The register must be kept on, or be accessible at, the premises at all times."*
- 2. "The aforementioned register must include the date, time, and nature of the incident or allegation, as well as the details of the reporter and what action was taken by the staff at the time."*

**Q3: Do you support updating the Section 182 guidance to encourage licensing authorities to consider the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in statements of local licensing policy.**

Yes ✓

No

Please provide rationale and examples or recommendations

Council response: *The Borough Council are of the view that the Statement of Licensing Policy (SLP) is to be used to guide applicants and licence holders on how to best promote the licensing objectives. Sexual harassment and misconduct, and gender based violence are prevalent within wider society*

*but are often associated with licensed premises and the night time economy. It would be a sensible and practical approach to reference these matters within the SLP.*

**Q4: Do you support the collection of data on local licensing authorities' use of their powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents.**

Yes ✓

No

Please provide rationale and examples or recommendations

*Council response: The Government already collects an array of data from licensing authorities biennially in relation to licensed premises. There is no reason why collecting data as proposed would not be viable. On the contrary the data if collected may support wider Government policy in relation to their work around ensuring everyone who uses the night time economy can do so in a safe and secure manner.*

# Public Document Pack Agenda Item 6

*Licensing Sub-Committee - 21/12/22*

## LICENSING SUB-COMMITTEE

Wednesday, 21st December, 2022

Time of Commencement: 10.00 am

**Present:** Councillor Barry Panter (Chair)

Councillors: J Williams Heesom

:  
:

Officers: Anne-Marie Pollard Solicitor  
Julie Moore Licensing Officer

### 1. APPOINTMENT OF CHAIR

**Resolved:** That Councillor Barry Panter be appointed as Chair.

### 2. VARIATION OF A PREMISE LICENCE - CORNER PIN. 67 CHAPEL STREET, TALKE

In respect of the application for a variation to the premises licence under the Licensing Act 2003 two local resident objections received in relation to the Prevention of Public Nuisance.

The proposed variation application was to amend the hours of operation with an additional hour, to amend annex 3 condition 2 and to add four new conditions in relation to potential external noise as follows;

- Opening hours to be extended by an additional hour from 10:00 until 00:30 Monday to Sunday

- Sale of alcohol for consumption on and off the premises from 10:00 until 00:00 Monday to Sunday

- Amend annex 3, condition 2's wording to; 'Noise from the premises shall be kept to a level where it is unlikely to be considered as public nuisance from the boundary of the nearest noise sensitive premises'.

- Four additional proposed licence conditions;

1. A dispersal policy will be drawn up and implemented to ensure that customers leave the area quickly and quietly

2. An external area management plan will be drawn up and implemented to ensure that customers drinking and smoking outside do not cause undue disturbance to residents

3. A phone number will be available to residents which will allow them to contact the duty manager or designated premises supervisor (DPS) should the need arise

4. A complaints log will be maintained and shall record any complaints by local residents in relation to public nuisance issues reported to the DPS or

## **Licensing Sub-Committee - 21/12/22**

staff at the premises. The log will be made available to officers from the council's environmental protection team on request.

The Licensing Sub-Committee carefully considered the report and heard from the applicant, his legal representation and read the two local resident objections. Having taken into account the Licensing Act 2003, the guidance issued under Section 182 of the Act, the Council's statement of Licensing Policy and the formal resident objections. The Sub-Committees have considered the evidence and the four licensing objectives

**Resolved:** That the amended application be granted with the proposed four conditions as stated above, with the small amendment to the wording of condition four. The wording will now read; 'A complaints log will be maintained and shall record any complaints by local residents in relation to public nuisance issues reported to the DPS or staff at the premises. The log will be made available to **all responsible authorities on request**'. However, due to the objections received the committee do not grant the request to amended licence condition at annex 3 condition 2 in respect of the noise sensitive premises and request the original condition to remain on the premises licence due to the statutory nuisance falls under the Noise Act and therefore it would be duplicating legislation. The original condition wording to remain is, 'Noise from the premises shall be inaudible at the boundary of the nearest noise sensitive premises'.

**Councillor Barry Panter  
Chair**

Meeting concluded at 10.30 am

**LICENSING SUB-COMMITTEE**

Wednesday, 21st December, 2022  
Time of Commencement: 10.30 am

**Present:** Councillor Barry Panter (Chair)

Councillors: J Williams Heesom

Officers: Anne-Marie Pollard Solicitor  
Julie Moore Licensing Officer

1. **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

2. **APPOINTMENT OF CHAIR**

**Resolved:** That Councillor Barry Panter be appointed as Chair.

3. **NEW PREMISE LICENCE APPLICATION**

In determining the matter the Licensing Sub-Committee have taken into account the Licensing Act 2003, the guidance issued under Section 182 of the Act, the Councils Statement of Licensing Policy and representations received from Trading Standards and Staffordshire Police Licensing Team.

The Committee have considered the licensing objectives, the contents of the report including the confirmation that the applicant no longer holds a tenancy agreement for the premises and the lack of communication from the applicant regarding this matter.

**Resolved:** That, due to the applicants repeated failure to communicate with officers and failure to attend the hearing members determined to refuse the application.

**Councillor Barry Panter  
Chair**

Meeting concluded at 11.00 am

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### Report for Public Protection and Licensing Committee – January 2023

<b><u>Title:</u></b>	Public Space Protection Order Public Consultation Update
<b><u>Submitted by:</u></b>	Steven Edge Partnerships Interventions Officer
<b><u>Portfolios:</u></b>	<b>Community Safety and Wellbeing</b>
<b><u>Ward(s) affected:</u></b>	Newchapel and Mow Cop, Cross Heath, Town, May Bank and Wolstanton

#### **Purpose of the Report**

This report is to;

- Provide a draft copy a Public Space Protection Order (PSPO) the Borough of Newcastle under Lyme and to gain support from the committee to initiate a 6 week public consultation.

#### **Recommendations**

That the Public Protection and Licensing Committee considers the content of this report and gives approval for Officers at the Council to initiate public consultation for a proposed PSPO for the Borough of Newcastle under Lyme

#### **Reasons**

- Following ongoing reports of anti-social behaviour in these locations, the Borough Council is seeking to use its powers to impose prohibitions to restrict antisocial behaviour and arson in the locality through restricted and partially restricted public rights of way.
- The Committee is required to consider agreeing to the conditions of the order so that a formal consultation can be initiated.

## **1 Background**

- 1.1 A Public Space Protection Order is an order made under the Anti-Social Behaviour, Crime and Policing Act 2014 whereby this legislation allows for an order to identify a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3 years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.

- This the first application for a Public Space Protection Order in relation to existing gating on public rights of way and any future gating projects in the Borough.
- Newcastle 143 has been gated for a number of years due to crime and anti-social behaviour. Kidsgrove 19 has been subject to a partial closure with the neighbouring properties opening and closing the gate on a daily basis. The third proposed public right of way is to the rear of Beattie Avenue in Cross Heath known as Newcastle 132.

#### ASB statistics from the Borough Council –

- Public right of way ‘Newcastle 132’ (Beattie Avenue)
 

2020	2 incidents reported to the Council reference fires
2022	5 incidents reported to the Council reference fires and two incident reported reference antisocial behaviour.
- Public right of way ‘Kidsgrove 19’ (High Street, Newchapel)
 

2020	1 incident of antisocial behaviour reported for the park
2022	1 incident of antisocial behaviour reported for the park.
- Public right of way ‘ Newcastle 143’ (Gated alley off Church Lane , Wolstanton)
 

No specific reports to the Council for the location.

#### ASB statistics from the Police.

- Public right of way ‘Newcastle 132’ (Beattie Avenue)
 

2022	4 incidents involving fires.
------	------------------------------
- Public right of way ‘Kidsgrove 19’ (High Street, Newchapel)
 

No incidents reported to the Police.
- Public right of way ‘ Newcastle 143’ (Gated alley off Church Lane , Wolstanton)
 

2022	6 incidents specifically around High St, Church St and Knutton Road and Alexandra Road and 27 other antisocial related incidents in the surrounding area.
2021	4 incidents of asb out of a total of 29
2020	1 incident of asb out of a total of 5

The draft order as shown as Appendix 1 to this report, highlights the locations that we propose are to be subject to a Public Space Protection Order. These will include the full closure or partial closure of designated public rights of way. These are highlighted on the Appendix 1, 2 and 3 which are attached to this report.

We are looking for support to conduct a 6 week consultation period on the proposed conditions. A report will then be drafted to be returned to committee with any necessary changes to be made with the draft order. We will then look to undertake a further 6 week consultation for the final proposal for the PSPO’s. This will be followed with a return to the committee to express the results of the second consultation whereby a decision will be made whether to adopt the proposed Order’s at this point.

- 1.2 Failure to comply with either a prohibition, or requirement stated within the order is a Level 3 offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. The authority has the option to either prosecute or issue an FPN to discharge liability to convict (s67 & 68 of the ASB, Crime and Policing act).



## **2. Proposed Prohibitions**

The proposed prohibitions.

1. The public right of way known as 'Newcastle 132' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order, shall be restricted permanently by the erection of gates as per the appendix 1 after 7 days from the date of this Order.
2. An alternative route for pedestrians for 'Newcastle 132' is via Honeywood as per Appendix 1.
3. The public right of way known as 'Newcastle 143' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order, shall be restricted permanently by the locking of the gates at this location as per appendix 2 with immediate effect.
4. The public right of way known as 'Kidsgrove 19' (purple) and the location of the gates shown in red in this Order and described in the Schedule to this Order (Appendix 3) , shall be restricted between the hours of 1800 hrs and 0800hrs, by the locking of the gates at the junction of High Street, Newchapel with immediate effect.
5. The occupiers of the neighbouring properties to 'Kidsgrove 19' will not be affected by this restriction.
6. The locking and unlocking of the gates to facilitate access to 'Kidsgrove 19' will be carried out by the key holding residents of High Street, Newchapel.

## **4. Recommendations**

- 4.1 That the Public Protection and Licensing Committee considers the content of this report and gives approval for Officers at the Council to initiate public consultation for a proposed PSPO for the Borough of Newcastle under Lyme.

## **5. Outcomes Linked to Corporate Priorities**

- 5.1 The Council Plan outlines a priority to create a safe environment for residents, businesses and the general public to work and socialise in.

To achieve the Council's priorities PSPO's can be utilised in building on our work with Police and partners to reduce anti-social behaviour and fear of crime in our communities.

## **6. Legal and Statutory Implications**

- 6.1 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not have the power either to make or vary the Order or include particular prohibitions or requirements, or that proper processes had not been followed (as prescribed by the legislation). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.
- 6.2 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not have the power either to make or vary the Order or include particular prohibitions or requirements, or that proper processes had not been followed (as

prescribed by the legislation). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.

## **7. Equality Impact Assessment**

- 7.1 An Equality Risk Assessment has been refreshed detailing how the PSPO will impact those who utilise these public rights of way.

## **8. Financial and Resource Implications**

- 8.1 Restrictions are already in place for 'Newcastle 143' and 'Kidsgrove 19'. Funding has been sourced from the Police, Fire and Crime Commissioner for the 'Newcastle 132' (Beattie Avenue) project.

## **9. Key Decision Information**

- 9.1 The maintenance and operation of the gating will fall to Newcastle-under-Lyme Borough council. Funding for such projects should be facilitated via partnership funding avenues.

## **10. Earlier Cabinet/Committee Resolutions**

- 10.1 This is the first application for a P.S.P.O. in relation to public highways with gated access.

## **11. List of Appendices**

- 11.1 Appendix 1: Map of proposed restrictions for Newcastle 132 and alternative route.
- 11.2 Appendix 2: Map of proposed restrictions for Newcastle 143.
- 11.3 Appendix 3: Map of proposed restriction for Kidsgrove 19.
- 11.4 Appendix 4 : Public Space Protection Order for the restriction of public rights of way (draft order)



## **12. Background Papers**

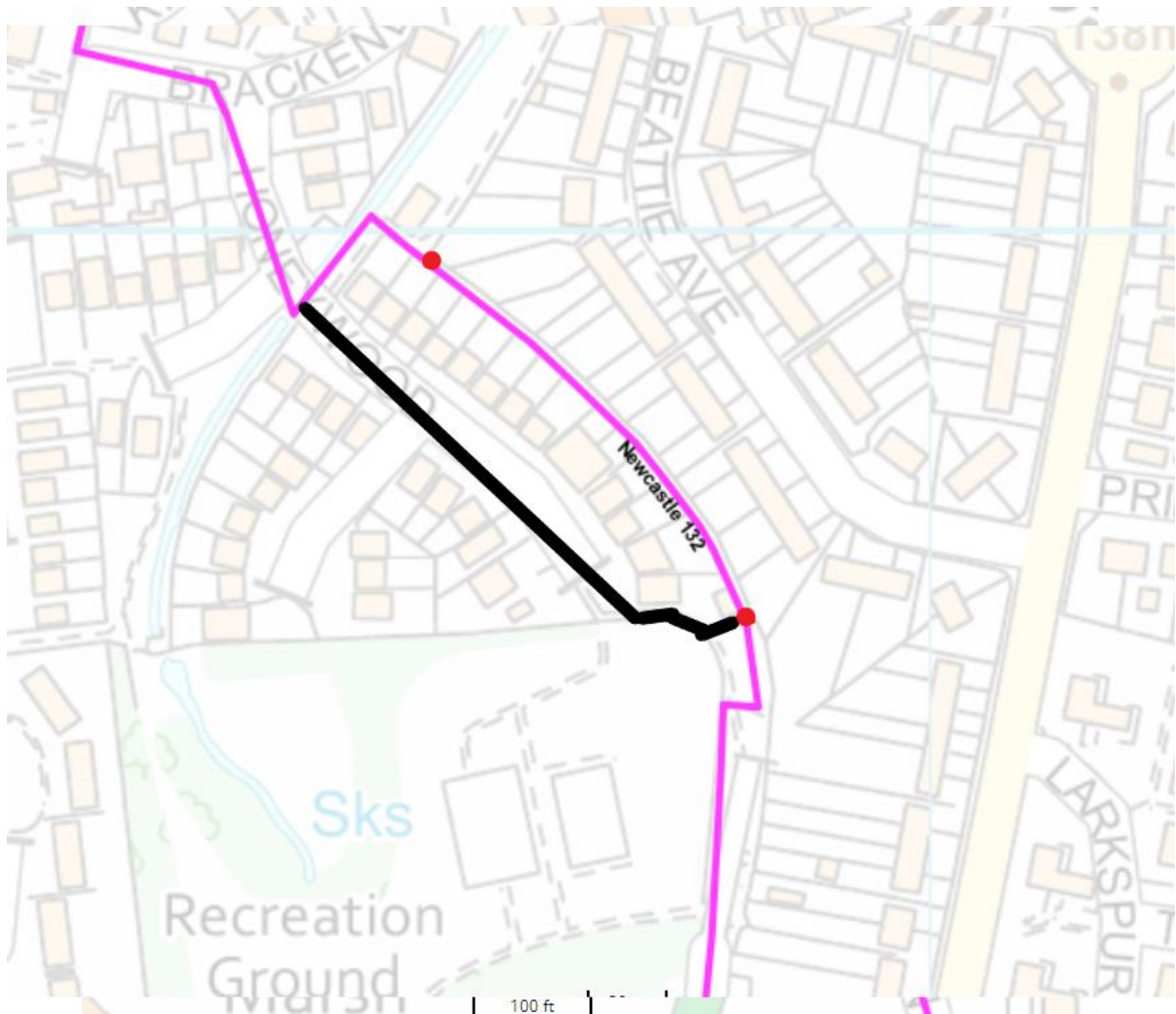
- 12.1 None

**APPENDIX 1**

Newcastle 132

KEY

	PUBLIC RIGHT OF WAY
	PROPOSED LOCATION OF GATES
	ALTERNATIVE ROUTE



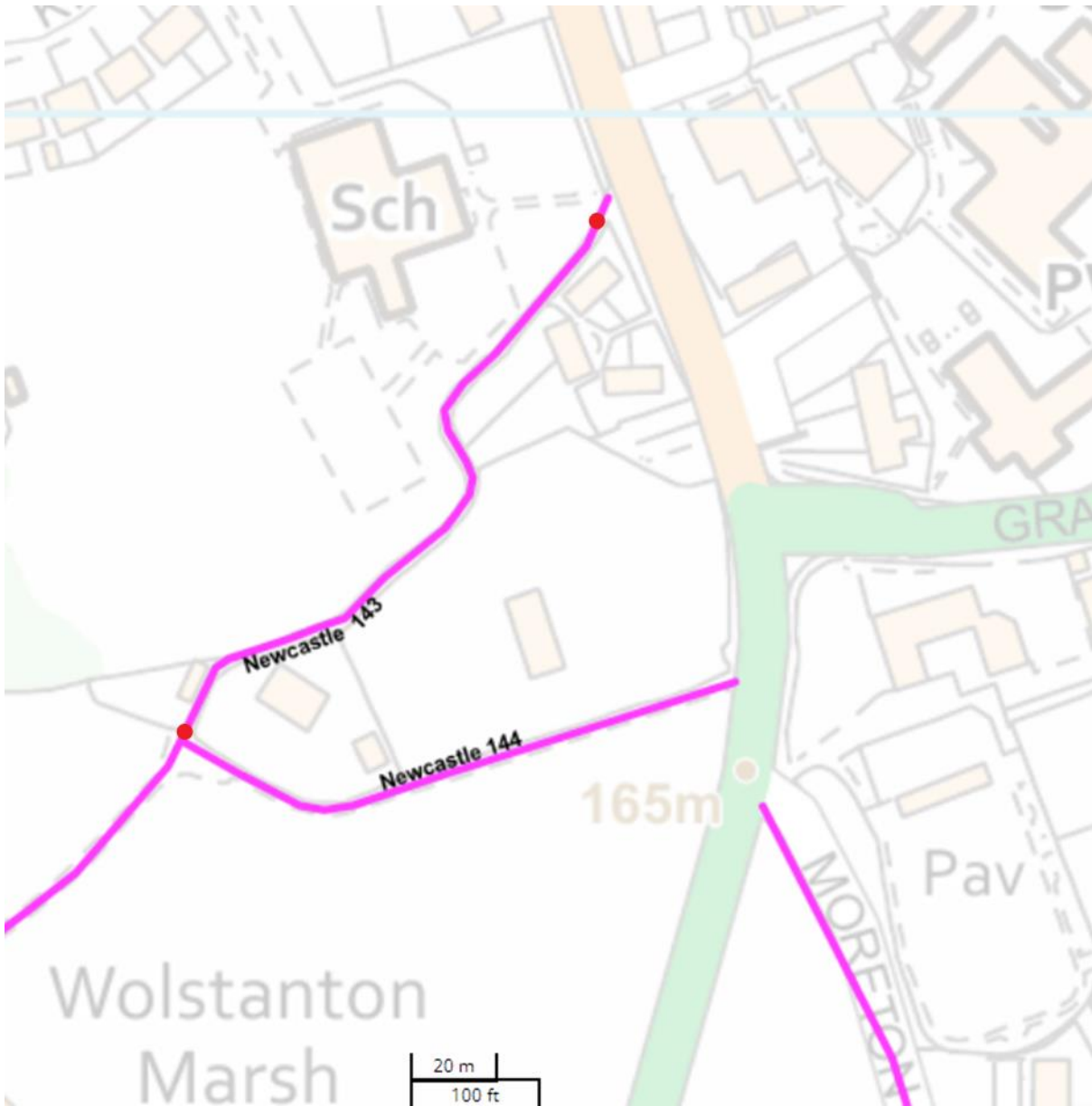
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**APPENDIX 2**

**Newcastle 143**

KEY

	PUBLIC RIGHT OF WAY
	LOCATION OF GATES



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**Appendix 3**

**Kidsgrove 19**

**Key**

	Public right of way
	Location of the gates



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**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**  
**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**  
**PUBLIC SPACE PROTECTION ORDER NUMBER 4 OF 2023**  
**(the “ORDER”)**

THIS ORDER may be cited as Newcastle-under-Lyme Borough Council, Public Spaces Protection Order Number 1 of 2023.

Newcastle-under-Lyme Borough Council exercises its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and under all other enabling powers, hereby makes the following order:

1. This Order shall come into operation on **DATE** and shall have an effect for 3 years thereafter, unless extended by further order under the Councils statutory powers.
2. This Order relates to the part of Newcastle-under-Lyme Borough Council, these areas are designated public rights of way known as Newcastle 132, Newcastle 143, and Kidsgrove 19 and are shown on the appendix attached below. (“the Exclusion Zone”).
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

**PROHIBITIONS:**

1. The public right of way known as ‘Newcastle 132’ and marked red in this Order and described in the Schedule to this Order, shall be restricted permanently by the erection of gates as per the appendix 1 after 7 days from the date of this Order.
2. An alternative route for pedestrians for ‘Newcastle 132’ is via Honeywood as per Appendix 1.
3. The public right of way known as ‘Newcastle 143’ and marked red in this Order and described in the Schedule to this Order, shall be restricted permanently by the locking of the gates at this location as per appendix 2 with immediate effect.
4. The public right of way known as ‘Kidsgrove 19’ and marked red in this Order and described in the Schedule to this Order, shall be restricted between the hours of 1800 hrs and 0800hrs, by the locking of the gates at the junction of High Street, Newchapel with immediate effect.

## APPENDIX 4

5. The occupiers of the neighbouring properties to 'Kingsgrove 19' will not be affected by this restriction.
6. The locking and unlocking of the gates to facilitate access to 'Kingsgrove 19' will be carried out by the key holding residents of High Street, Newchapel.

### **FIXED PENALTY NOTICES AND OFFENCES:**

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice..
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice..

### **APPEALS**

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

### **DEFINITION AND EXEMPTIONS:**

1. Order may be cited as the '*Public right of way Public Spaces Protection Order*'
2. "*Authorised Person*" a person authorised by the Newcastle-under-Lyme Borough Council including employees, partnership agency or contractor. Such authorised person must produce their authorisation upon request.

### **RESTRICTIONS AND PENALTY:**

1. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting access to the public rights of way listed. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
2. It is an offence for a person without reasonable excuse to engage in Activities which are prohibited by this Order.
3. No person shall:
  - a. Obstruct any authorised officer in the proper execution of their duties;

APPENDIX 4

- b. Obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
- 4. A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

**APPENDIX:**

A street plan of Newcastle-under-Lyme Borough Council, for 'Newcastle 132', 'Newcastle 143' and 'Kidsgrove 19' shown in red.

DRAFT

Given under the Common Seal of  
Newcastle-under-Lyme Borough Council  
On the

.....day of .....2019

**THE COMMON SEAL** of the  
**COUNCIL**

Was hereunto affixed  
In the presence of:

..... Authorised Officer

..... Designation

DRAFT

**PUBLIC SPACE PROTECTION ORDER NUMBER 4 of 2023 (the “ORDER”)**  
**AREA of NEWCASTLE 132 (“the Exclusion Zone”)**

DRAFT

**PUBLIC SPACE PROTECTION ORDER NUMBER 4 of 2023 (the “ORDER”)**  
**AREA of NEWCASTLE 143 (“the Exclusion Zone”)**

DRAFT

**PUBLIC SPACE PROTECTION ORDER NUMBER 4 of 2023 (the “ORDER”)  
AREA of KIDSGROVE 19 (“the Exclusion Zone”)**

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### Report for Public Protection and Licensing Committee – January 2023

<b><u>Title:</u></b>	Public Space Protection Order Public Consultation Update
<b><u>Submitted by:</u></b>	Executive Director of Sustainable Environment and Operations
<b><u>Portfolios:</u></b>	<b>Community Safety and Wellbeing</b>
<b><u>Ward(s) affected:</u></b>	All

#### **Purpose of the Report**

This report is to;

- Provide an update regarding the recent public consultation undertaken on the two proposed Public Spaces Protection Orders (PSPOs) and provide recommendations to the committee seeking approval to adopt two PSPOs in the Borough.

#### **Recommendations**

That the Public Protection and Licensing Committee considers the content of this report and gives approval for these orders to be adopted in line with the constitutional requirements;

1. Newcastle Town Centre PSPO(see Appendix 1)
2. Queen Elizabeth Park PSPO (see Appendix 2).

#### **Reasons**

- Following ongoing reports of anti-social behaviour in these locations, the Borough Council is seeking to use its powers to impose prohibitions to tackle incidents of anti-social behaviour. Please refer to Appendix 1 and 2 for further information.
- The Committee is required to consider agreeing to the conditions of the order so that this can formally be signed and adopted.

## **1 Background**

- 1.1 A Public Space Protection Order is an order made under the Anti-Social Behaviour, Crime and Policing Act 2014 whereby this legislation allows for an order to identify a particular space or area to which it will be applied; and can make requirements, or prohibitions, or both within that space or area. This means that the Local Authority can, by virtue of the order, require people to do, or not to do specific things in that space or area. The Local Authority has the powers to grant the prohibitions/requirements where it believes that they are reasonable in order to reduce or prevent the unwanted issues. The order can be applied to specific people or everyone within an area and can apply at all times or within specific times. The order can apply for a maximum of 3 years upon which the process of reviews and consultation must be repeated to check whether the issues are still occurring and the order is having the required effect. After the initial 3 years, the order can be extended for a further 3 years, and upon further reviews and consultation, can be extended more than once for further periods of 3 years.

In 2019 the Committee agreed to adopt two PSPO's that covered Newcastle Town Centre and Queen Elizabeth Park. On the 26<sup>th</sup> May 2022 those orders lapsed and we now need to consider the importance of having such like orders in place, the benefits of such orders, and whether the conditions included in Appendix 1 and 2 of this report are of the agreement of the committee.

Since the previous PSPO's were adopted in the town centre, we have been hit with a global pandemic. Therefore we need to consider this when we look at the number of breaches below:

- 2 in 2019
- 3 in 2020
- 3 in 2021
- 0 in 2022

From consultations that have been undertaken with Staffordshire Police we are able to provide the following statistics for in and around the town centre.

- Decrease of 1% in anti-social behaviour
- Increase of 15% in fireworks nuisance
- Increase of 33% in Begging and Vagrancy
- Increase of 35.5% in Rowdy and inconsiderate behaviour
- Decrease of 21% street drinking
- Decrease of 18% for drug related offences.
- Increase in public order offences by 69%
- Increase in violent crime by 72%
- Increase in Criminal Damage by 49%

ASB statistics from the Borough Council –

- 2018/2019 – Total ASB cases 456 – town centre related ASB 109
- 2019/2020 – total ASB cases 342 – town centre related ASB 67
- 2020/2021 – total ASB cases 461 – town centre related cases 254
- 2021/2022 – total ASB cases 587 – town centre 254
- 2022/2023 to date ASB cases 279 – town centre 198

The conditions in Appendix 1 and 2 will look to cover a range of behavioural issues that we believe are impacting on the town centre and Queen Elizabeth park.

A final 6 week consultation period has now concluded and a copy of the full results can be seen on Appendix 3).

- 1.2 Failure to comply with either a prohibition, or requirement stated within the order is a Level 3 offence. Upon summary conviction (offences heard within the Magistrates Court) defendants can face a fine. The defendant cannot be found guilty of an offence under a prohibition/requirement where the Local Authority did not have the power to include it in the order. The authority has the option to either prosecute or issue an FPN to discharge liability to convict (s67 & 68 of the ASB, Crime and Policing act). To coincide with this, we are currently looking at the legal framework to extend the authorisations of those who will be able to enforce the PSPO to include the Mobile Multi Function Team and PCSO's from Staffordshire Police.
- 1.3 The main issues in Newcastle-under-Lyme Town Centre have previously been highlighted as street drinking, drug taking, aggressive and/or persistent begging, general anti-social behaviour and vandalism/defacement of property. We are now looking to reintroduce prohibitions to tackle this behaviour.

- 1.4 A six week public consultation was undertaken from 15<sup>th</sup> July to 26<sup>th</sup> August. Its purpose was to gauge the level of support for the inclusion of a number of prohibitions for the PSPO in Newcastle Town Centre. A final 6 week consultation was concluded on the 26<sup>th</sup> December a full copy of that report is attached to this report. (appendix 3)

## **2. Public Consultation Findings**

From 15<sup>th</sup> July to 26<sup>th</sup> August there were 219 online responses submitted, but not all respondents answered every question.

- 187 from residents of Newcastle-under-Lyme Borough
- 53 from people employed in Newcastle-under-Lyme Borough
- 19 from visitors to Newcastle-under-Lyme
- 16 from local business owners/managers
- 7 from representatives of organisations
- 6 from councillors

- 2.1 Clear support for all the proposed restrictions. At least 88 per cent thought that each of the proposed restrictions were justified.

- The lowest support for the restrictions related to vandalism (88 per cent)
- The highest support for the proposed restrictions related to drug taking (96 per cent)
- A significant proportion of younger respondents were undecided on the vandalism question.
- Generally, older age groups were more in agreement that each of the proposed restrictions were justified.

- 2.2 Following the feedback from the Public Consultation it provides majority support for the two PSPO's to be made. Please refer to the report in Appendix 3 for further information.

- 2.3 From the 18<sup>th</sup> November to 26<sup>th</sup> December 2022 as part of the 6 week consultation there were 33 online responses submitted.

The results show that there is clear support for all the new proposed conditions in which 91% agreed. A full copy of the consultation results is shown in appendix 3.

## **4. Recommendations**

- 4.1 It is recommended that the Public Protection and Licensing Committee acknowledge the consultation results and approve the Public Space Protection Orders for both Newcastle Town Centre and Queen Elizabeth Park for the orders to be adopted in line with the constitutional requirements.

## **5. Outcomes Linked to Corporate Priorities**

- 5.1 The Council Plan outlines a priority to create two vibrant town centres in Newcastle and Kidsgrove where everyone can live, work, shop, study and spend their leisure time.

We want our town centres in Newcastle and Kidsgrove to be the vibrant and successful centres of life in the borough. We want to ensure that they have the right retail, public service, leisure, cultural, business and residential facilities that work for local residents and attract visitors and businesses to the town centres.

To achieve the Council's priorities PSPO's can be utilised in building on our work with Police and partners to reduce anti-social behaviour and fear of crime in our communities.

## **6. Legal and Statutory Implications**

- 6.1 PSPO's can be challenged on the grounds that the Local Authority, under the legislation, did not have the power either to make or vary the Order or include particular prohibitions or requirements, or that proper processes had not been followed (as prescribed by the legislation). Challenges must be made to the High Courts within 6 weeks of the Order being made/varied and by an individual who lives in, regularly works in, or visits the restricted area. The High Court can quash, uphold or vary the PSPO and may decide to suspend the operation of the PSPO pending the verdict.

## **7. Equality Impact Assessment**

- 7.1 An Equality Risk Assessment has been refreshed detailing how PSPO's will affect disadvantaged and vulnerable individuals such as dependent street drinkers, rough sleepers and beggars.

## **8. Financial and Resource Implications**

- 8.1 The two PSPO's will be managed under existing Council resources in Town Centre and Community management, Legal, Finance Teams with assistance from partners such as the Police who will be identifying breaches of the PSPO, issuing FPNs and as authorised persons on behalf of the Council as outlined in the PSPO Order.
- 8.2 There may be an additional staffing resource required to support the management of FPN's, including income recovery when non-payment occurs. This depends on how many FPNs are issued and how many occurrences there are of non-payments. Also, the level of resulting income cannot be accurately predicted but is not expected to be significant. It will be monitored on a regular basis and managed using existing resources.

## **9. Key Decision Information**

- 9.1 This report can be considered key because it requires the Borough Council to commit existing and additional resources for the function to which the decision relates.

## **10. Earlier Cabinet/Committee Resolutions**

- 10.1 In June 2018 the Anti-Social Behaviour Policy report was approved by Cabinet.
- 10.2 In July 2018 the report 'Public Space Protection Orders review' was approved by Cabinet.
- 10.3 In July 2018 the report 'Public Space Protection Orders variation' was approved in principle by the Public Protection and Licensing Committee.
- 10.4 In January 2019 the report 'Public Space Protection Order Public Consultation Update' was approved by the Public Protection and Licensing Committee.

10.5 In June 2022 the report 'Public Space Protection Order Public Consultation approved the initial 6 week consultation.

10.6 In October 2022 the report 'Public Space Protection Order Public Consultation approved the final 6 week consultation

## **11. List of Appendices**

11.1 Appendix 1: Public Space Protection Order Newcastle Town Centre (draft Order)

11.2 Appendix 2: Public Space Protection Order Queen Elizabeth Park (Draft Order)

11.3 Appendix 3: Consultation results

## **12. Background Papers**

12.1 None

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**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**PUBLIC SPACE PROTECTION ORDER NUMBER 1 OF 2023 (the "ORDER")**

**AREA OF NEWCASTLE-UNDER-LYME TOWN CENTRE**

THIS ORDER may be cited as Newcastle-under-Lyme Borough Council, Public Spaces Protection Order Number of 2023.

Newcastle-under-Lyme Borough Council exercises its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, hereby makes the following order:

1. This Order shall come into operation on DATE and shall have an effect for 3 years thereafter, unless extended by further order under the Council's statutory powers.
2. This Order relates to the part of Newcastle-under-Lyme Borough Council, area of Newcastle Town Centre as shown edged red on Appendix 1 ("the Exclusion Zone").
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

**PROHIBITIONS:**

1. Possessing or using of an aerosol and/or any item intended to cause defacement within the Exclusion Zone.
2. Engaging in behaviour likely to cause harassment, alarm or distress within the Exclusion Zone. Examples include, but are not limited to the following activities:
  - a. Congregating in a group of three or more persons within the Exclusion Zone following a request from an Authorised Person that such group must disperse.
  - b. Being verbally abusive to any other person within the Exclusion Zone.
  - c. Using or threatening to use violence against any other person within the Exclusion Zone.
  - d. Having in their possession open cans, bottles or other unsealed receptacles containing alcoholic beverages (including empty receptacles) within the Exclusion Zone.
  - e. Carrying out any form of graffiti on any surface within the Exclusion Zone.

## APPENDIX 1

3. Failing to cease to consume alcohol and/or surrender alcohol when requested to do so by a police officer or other authorised person.
4. Not to consume alcohol within the exclusion zone unless within a licenced premises or within a designated area subject to a street traders licence.
5. Ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances including novel psychoactive substances within the Exclusion Zone.
6. Persistent and aggressive begging, causing obstruction, harassment and threatening behaviour, which could cause intimidation.
7. Failing to deposit litter of any form in any area other than in a designated receptacle.
8. Not to urinate / defecate in public view.
9. Not to discard hypodermic needles or syringes in a public space (except in an appropriate sharps container)
10. Occupying a tent or other temporary structure in a manner likely to create a health and safety risk for other people.
11. Obstructing a building or exit, stairwell or highway after being asked to move by an authorised officer.

### **FIXED PENALTY NOTICES AND OFFENCES:**

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice..
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice..

### **APPEALS**

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

### **DEFINITION AND EXEMPTIONS:**

1. Order may be cited as the '*Newcastle-under-Lyme Town Centre Anti-social Behaviour Public Spaces Protection Order*'.
2. '*Authorised Person*' a person authorised by the Newcastle-under-Lyme Borough Council including employees, partnership agency or contractor. Such authorised person must produce their authorisation upon request.



## APPENDIX 1

3. *'Intoxicating substances'* means substances with the capacity to stimulate or depress the central nervous system but does not include tobacco, alcohol or vaporisers.
4. *'Persistent and aggressive'* in the context of begging means sitting or loitering in a public space with any receptacle used to contain monies for the purpose of begging, soliciting payment, harassing and threatening such that could cause intimidation.
5. Consuming alcohol in breach of a PSPO is not an offence under S.67 of the Act. However, under S.63 of the Act it is an offence to fail to comply with a request by a Police Officer or an Authorised Person to cease drinking or surrender alcohol that a person has been or intends to drink in breach of the prohibition in the PSPO. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

### RESTRICTIONS AND PENALTY:

1. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting the Activities within the Exclusion Zone. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
2. It is an offence for a person without reasonable excuse to engage in Activities which are prohibited by this Order.
3. No person shall:
  - a. Obstruct any authorised officer in the proper execution of their duties;
  - b. Obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
4. A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

### APPENDIX:

A street plan of Newcastle-under-Lyme Borough Council, Area of Newcastle Town Centre showing the Exclusion Zone edged in red.

Given under the Common Seal of  
Newcastle-under-Lyme Borough Council  
On the

.....day of .....2019

**THE COMMON SEAL** of the  
**COUNCIL**

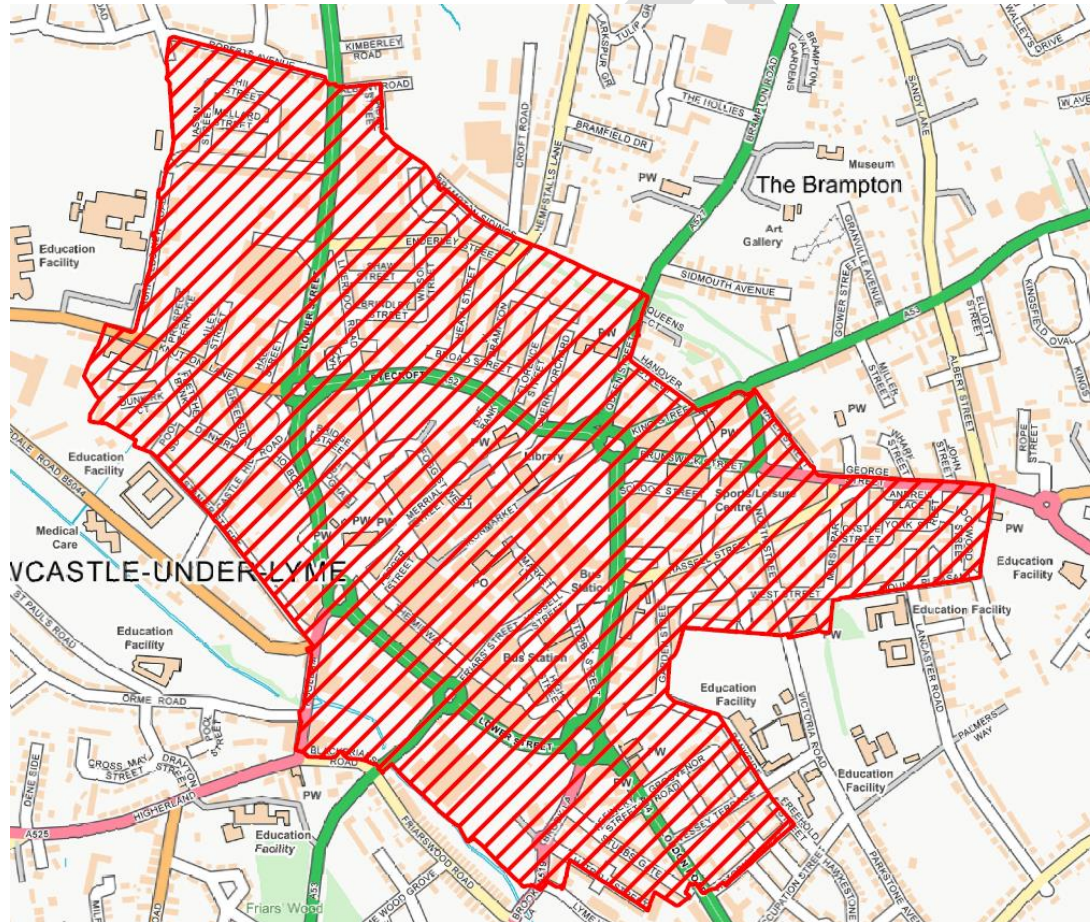
Was hereunto affixed  
In the presence of:

..... Authorised Officer

..... Designation

DRAFT

**APPENDIX 1**  
**PUBLIC SPACE PROTECTION ORDER NUMBER 1 of 2023 (the "ORDER")**  
**AREA OF NEWCASTLE-UNDER-LYME TOWN CENTRE ("the Exclusion Zone")**



**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**PUBLIC SPACE PROTECTION ORDER NUMBER 1 OF 2023 (the "ORDER")**

**AREA OF QUEEN ELIZABETH PARK (off SILVERDALE ROAD)**

THIS ORDER may be cited as Newcastle-under-Lyme Borough Council, Public Spaces Protection Order Number 2 of 2023.

Newcastle-under-Lyme Borough Council exercises its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, hereby makes the following order:

1. This Order shall come into operation on DATE and shall have an effect for 3 years thereafter, unless extended by further order under the Councils statutory powers.
2. This Order relates to the part of Newcastle-under-Lyme Borough Council, area of Queen Elizabeth Park as shown edged red on Appendix 1 ("the Exclusion Zone").
3. The Council is satisfied that the conditions set out in Section 59 (2) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

**PROHIBITIONS:**

1. Possessing or using of an aerosol and/or any item intended to cause defacement within the Exclusion Zone.
2. Engaging in behaviour likely to cause harassment, alarm or distress within the Exclusion Zone. Examples include, but are not limited to the following activities:
  - a. Congregating in a group of three or more persons within the Exclusion Zone following a request from an Authorised Person that such group must disperse.
  - b. Being verbally abusive to any other person within the Exclusion Zone.
  - c. Using or threatening to use violence against any other person within the Exclusion Zone.
  - d. Having in their possession open cans, bottles or other unsealed receptacles containing alcoholic beverages (including empty receptacles) within the Exclusion Zone.
  - e. Carrying out any form of graffiti on any surface within the Exclusion Zone.

## APPENDIX 2

3. Failing to cease to consume alcohol and/or surrender alcohol when requested to do so by a police officer or other authorised person.
4. Not to consume alcohol within the exclusion zone unless within a licenced premises or within a designated area subject to a street traders licence.
5. Ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances including novel psychoactive substances within the Exclusion Zone.
6. Persistent and aggressive begging, causing obstruction, harassment and threatening behaviour, which could cause intimidation.
7. Failing to deposit litter of any form in any area other than in a designated receptacle.
8. Not to urinate / defecate in public view.
9. Not to discard hypodermic needles or syringes in a public space (except in an appropriate sharps container)
10. Occupying a tent or other temporary structure in a manner likely to create a health and safety risk for other people.
11. Obstructing a building or exit, stairwell or highway after being asked to move by an authorised officer.

### **FIXED PENALTY NOTICES AND OFFENCES:**

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice..
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice..

### **APPEALS**

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

### **DEFINITION AND EXEMPTIONS:**

1. Order may be cited as the '*Queen Elizabeth Park Anti-social Behaviour Public Spaces Protection Order*'

## APPENDIX 2

2. “*Authorised Person*” a person authorised by the Newcastle-under-Lyme Borough Council including employees, partnership agency or contractor. Such authorised person must produce their authorisation upon request.
3. ‘*Intoxicating substances*’ means substances with the capacity to stimulate or depress the central nervous system but does not include tobacco, alcohol or vaporisers
4. ‘*Persistent and aggressive*’ in the context of begging means sitting or loitering in a public space with any receptacle used to contain monies for the purpose of begging, soliciting payment, harassing and threatening such that could cause intimidation
5. Consuming alcohol in breach of a PSPO is not an offence under S.67 of the Act. However, under S.63 of the Act it is an offence to fail to comply with a request by a Police Officer or an Authorised Person to cease drinking or surrender alcohol that a person has been or intends to drink in breach of the prohibition in the PSPO. This is also liable on summary conviction to a fine not exceeding level 2 on the standard scale. If alcohol is confiscated, it can be disposed of by the person who confiscates it.

### **RESTRICTIONS AND PENALTY:**

1. The Council is satisfied that the conditions set out in Sections 59, 64 and 72 of the Act have been satisfied and that it is in all the circumstances expedient to make this Order for the purposes of prohibiting the Activities within the Exclusion Zone. The effect or likely effect of this is, or is likely to be, of a persistent or continuing nature, such as to make this unreasonable, and justifies the restrictions imposed by this Order.
2. It is an offence for a person without reasonable excuse to engage in Activities which are prohibited by this Order.
3. No person shall:
  - a. Obstruct any authorised officer in the proper execution of their duties;
  - b. Obstruct any other person carrying out an act which is necessary to the proper execution of any contract associated with this order;
4. A person found to be in breach of this Order shall be liable on summary conviction to a maximum penalty of level 3 on the standard scale or a Fixed Penalty Notice of £100.

### **APPENDIX:**

A street plan of Newcastle-under-Lyme Borough Council, Area of Queen Elizabeth Park showing the Exclusion Zone edged in red.

Given under the Common Seal of  
Newcastle-under-Lyme Borough Council  
On the

.....day of .....2019

**THE COMMON SEAL** of the  
**COUNCIL**

Was hereunto affixed  
In the presence of:

..... Authorised Officer

..... Designation

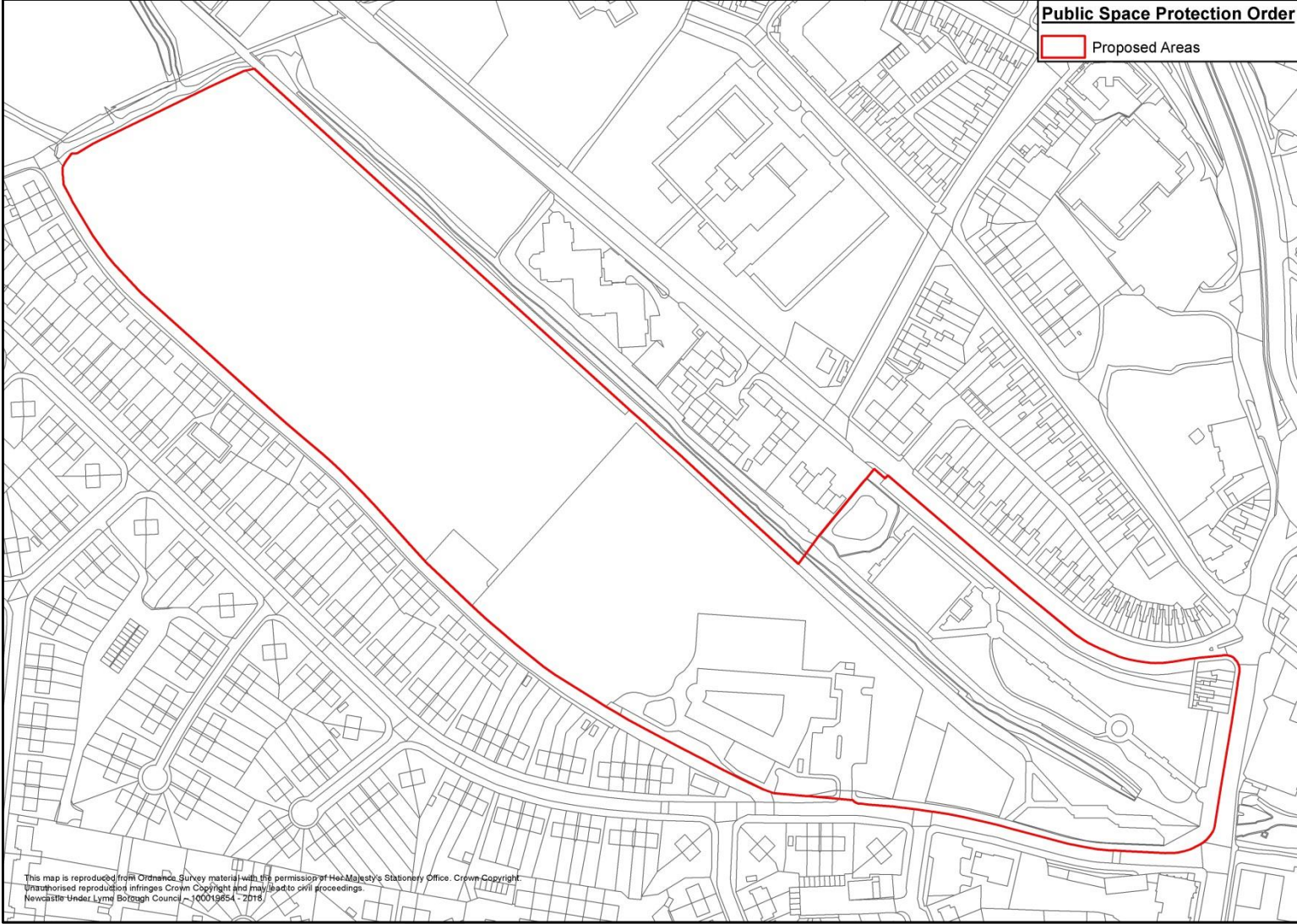


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**APPENDIX 1**

**PUBLIC SPACE PROTECTION ORDER NUMBER 2 of 2023 (the “ORDER”)  
AREA OF QUEEN ELIZABETH PARK (“the Exclusion Zone”)**

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**Public Space Protection Order Public (PSPO) Consultation (part two) 2022**

## Background

- From 18 November to 26 December 2022 there were 33 online responses submitted, but not all respondents answered every question
  - 32 from residents of Newcastle-under-Lyme borough
  - Nine from people employed in Newcastle-under-Lyme borough
  - Two from local business owners/managers
  - One from a visitor to Newcastle-under-Lyme
  - None from representatives of organisations or from councillors.

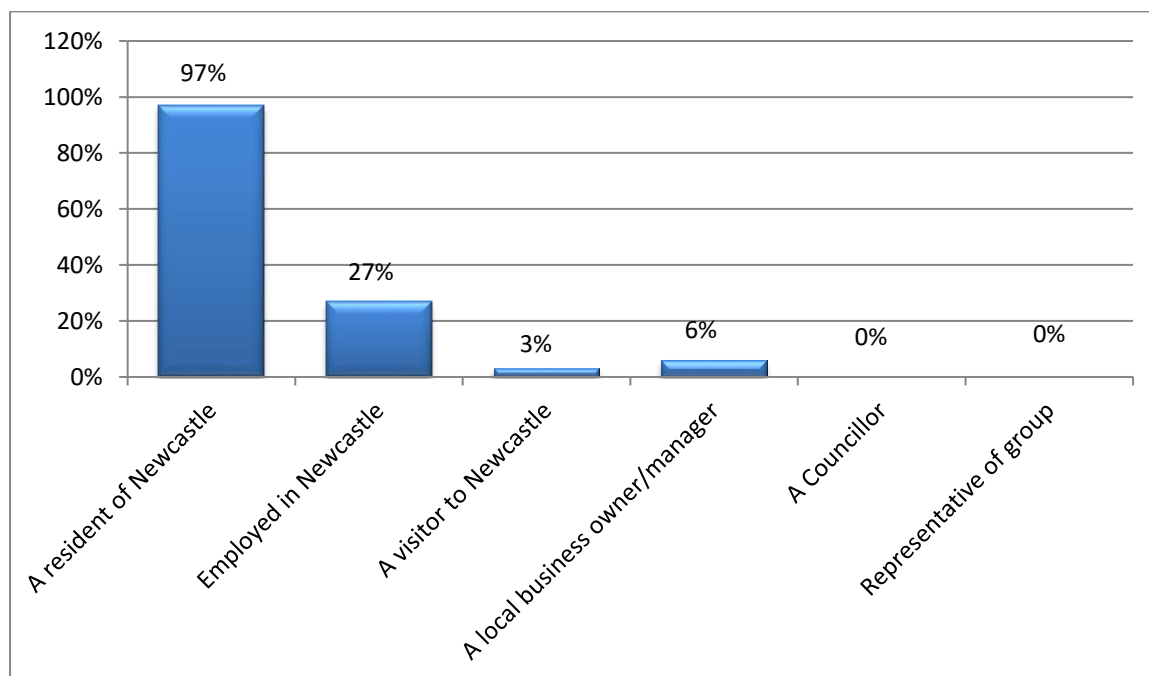
## Headline findings

- Clear support for all the proposed new conditions. At least 91 per cent agreed with each of them:
  - Lowest support for the condition around occupying a tent or other temporary structure etc. (91 per cent)
  - Highest support for the conditions on urinating/defecating in public and disposing of hypodermic needles (100 per cent)

## Are you...?

Respondents were asked about their links to Newcastle-under-Lyme. Note that as they could choose more than one answer, totals will add up to considerably more than 100 per cent.

Figure 1: Are you...? 33 respondents



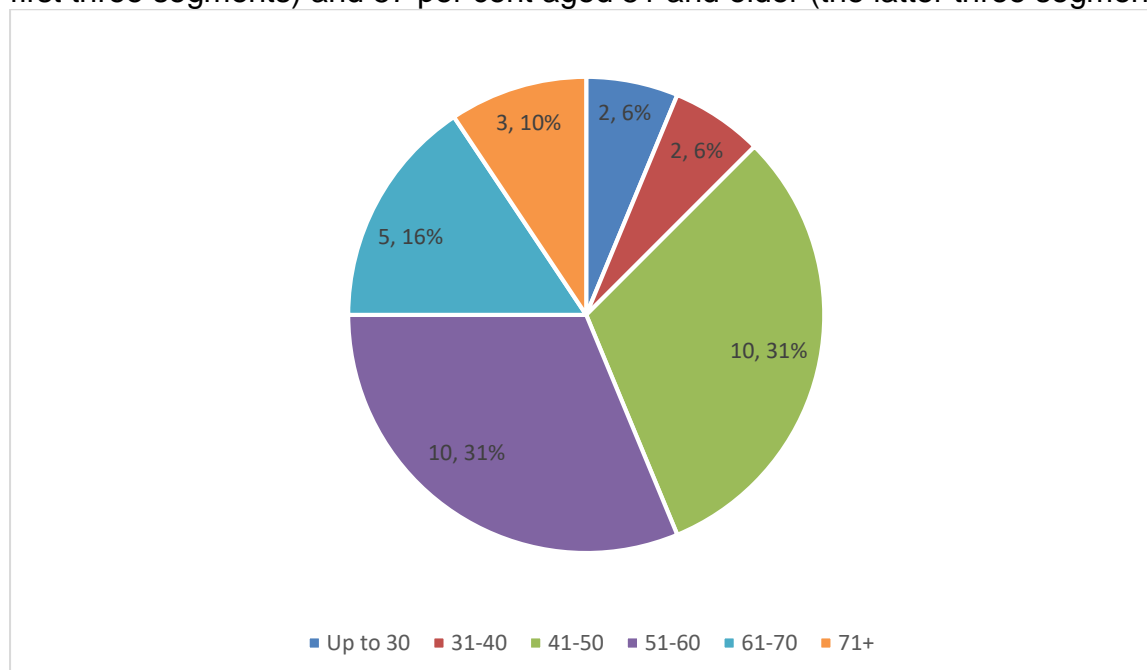
A large majority (97 per cent) of the respondents said that they lived in Newcastle-under-Lyme borough. 29 of them provided at least part of their home postcodes, enabling us to see which wards / non-borough areas they were from. There were four from each of Silverdale and Thistleberry, with three from Knutton.

Table 1: Location of respondents based on 29 respondents

Ward / area	Respondents
Audley	1
Bradwell	1
Clayton	0
Crackley and Red Street	2
Cross Heath	1
Holditch and Chesterton	0
Keele	1
Kidsgrove and Ravenscliffe	0
Knutton	3
Loggerheads	0
Madeley and Betley	1
Maer & Whitmore	0
May Bank	0
Newchapel and Mow Cop	0
Silverdale	4
Talke and Butt Lane	0
Thistleberry	4
Town	1
Westbury Park and Northwood	2
Westlands	2
Wolstanton	2
Unknown ST5	3
Unknown ST7	1

### Age of respondents

As the following chart shows, 43 per cent of respondents were aged up to 50 (the first three segments) and 57 per cent aged 51 and older (the latter three segments).



## Analysis

### **Q1) Do you agree with the new conditions? (8 - Not to urinate / defecate in public view)?**

All 33 respondents to the survey answered this question, and all agreed with the condition.

### **Q2) Do you agree with the new conditions? (9 - Not to discard hypodermic needles or syringes in a public space (except in an appropriate sharps container)?**

Again, all 33 respondents answered and all were in agreement.

### **Q3) Do you agree with the new conditions? (10 - Not to occupy a tent or other temporary structure in a manner likely to create a health and safety risk for other people).**

Of the 33 respondents, 30 (91 per cent) agreed. No respondent actually disagreed, but three (nine per cent) answered 'don't know'.

### **Q4) Do you agree with the new conditions? (11 - Not to obstruct a building or exit, stairwell or highway after being asked to move by an authorised officer.)**

30 respondents answered this question – again a clear majority were in support of the new condition. 29 out of the 30 (97 per cent) agreed, with one respondent (three per cent) disagreeing.

### **Q5) Do you agree with the prohibition zone for this order?**

All 33 respondents did answer this question and once more a clear majority were in support. 31 (94 per cent) agreed with the prohibition zone, with the other two respondents (six per cent) disagreeing.

### **Q6) Overall, do you agree with this order?**

There were 32 responses here, and again with almost complete agreement. 31 (97 per cent) agreed with the order, with the remaining one respondent saying that they did not know – no one actually disagreed.





**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Licensing and Public Protection Committee  
17 January 2023**

**Report Title:** Update on results of Taxi Licensing Appeals

**Submitted by:** Head of Regulatory Services

**Portfolios:** Finance, Town Centres and Growth

**Ward(s) affected:** All

**Purpose of the Report**

To update Members on the results of all Taxi Licensing Appeals that have been considered since last reported to Committee.

**Recommendation**

That Members note the contents of the report

**Reasons**

To inform Members of the results of appeals made to the Court following decisions made by the licensing authority.

1. **Background**

- 1.1 Following any Council decision to suspend, revoke, refuse to grant or refuse to renew a taxi driver, vehicle or operator licence there is the statutory right of appeal. For nearly all matters, the right of appeal is to the Magistrates' Court in the first instance and then an opportunity for an onward appeal to be made to the Crown Court. In limited instances, particularly the refusal to grant a new hackney carriage vehicle licence, the right of appeal is straight to the Crown Court.
- 1.2 Upon receipt of any appeal the Council seeks to defend its position. If successful we apply to the Court for the full costs incurred defending the appeal.

2. **Issues**

- 2.1 Since 18<sup>th</sup> October 2022 the Council has been involved in two Magistrates' Court appeals. The first matter related to a Sub-Committee decision from July 2020 to refuse renew a taxi driver licence due to a long history of failures to comply with policy and statutory provisions, and associated matters. The appeal was delayed originally due to Covid, then adjourned twice after being fixed on unsuitable dates and then adjourned twice recently by the Court on the day of the appeal due to a lack of Court time. The matter has been relisted for 17<sup>th</sup> April 2023.
- 2.2 The second matter related to a Sub-Committee decision from November 2021 to revoke a taxi driver licence after the individual being implicated in a violent assault. There was doubt from the Council that the individual had submitted their appeal within the statutory timescales and a legal argument was held. The District Judge determined that the appeal had likely been made on time and the appeal was fixed for 12<sup>th</sup> December 2022. At the substantive hearing the appeal was dismissed and the Council were awarded full costs of

£2000.00. An appeal has subsequently been made to the Crown Court. No date has been fixed as yet.

2.3 The Council have also been involved in four Crown Court appeals since 18<sup>th</sup> October 2022. The first matter was adjourned on the day as the applicant and his legal representative were apparently unaware of the date and not in attendance. The second and third related to the same individual but two separate matters. All parties were present but the matters were adjourned on the day due to lack of Court time. The fourth matter was withdrawn less than a week before the appeal hearing. The Council are considering making an application for wasted costs due to the officer time and instruction of Counsel.

2.4 At the time of the report being written the Council have four outstanding appeals to defend in the Magistrates' Court, including the one referred to in paragraph 2.1, six appeals in the Crown Court, including the three referred to in paragraph 2.3 and the potential wasted costs application

### 3. **Proposal**

3.1 The Members note the contents of the report

### 4. **Reasons for Proposed Solution**

4.1 The purpose of the report is to bring Members up to date on recent taxi licensing appeals

### 5. **Options Considered**

5.1 No other options have been considered

### 6. **Legal and Statutory Implications**

6.1 Set out in the body of the report.

### 7. **Equality Impact Assessment**

7.1 N/A

### 8. **Financial and Resource Implications**

8.1 To defend licensing appeals there is a large resource implication on officers acting as witnesses or assisting with the casework. The successful party can apply to the Court for the full costs incurred in relation to the appeal, however the discretion lies with the Magistrates or Judge as to what proportion is awarded. In the event that the appeal is upheld then the starting point is that costs will not be awarded against the Council unless the Court finds that the decision taken was unreasonable, irrational or wrong.

### 9. **Major Risks**

9.1 N/A

### 10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 Various notices from Sub-Committee and Officer Decisions to suspend, revoke or refuse to renew licences.

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## **PUBLIC PROTECTION SUB-COMMITTEE**

Wednesday, 14th December, 2022

Time of Commencement: 6.00 pm

**Present:** Councillor Andrew Parker (Chair)

**Councillors:** Heesom G Williams

**Officers:** Anne-Marie Pollard Solicitor  
Melanie Steadman Licensing Officer

### 1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

### 2. **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2 and 7 contained within Part 1 of Schedule 12A of the Local Government Act, 1972

### 3. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 1**

The Sub Committee considered a relevant matter which fell outside of Council Policy.

After very careful consideration of information from the Council's Licensing Officer and representations from the applicant, the Sub-Committee agreed as follows:

**Resolved:** That the licence be revoked.

### 4. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - APPLICANT 2**

A request was made by the applicant to defer this matter until the next meeting of the Sub-Committee.

**Resolved:** That the application be deferred to the next meeting, to be held on 18 January, 2023.

### 5. **URGENT BUSINESS**

There was no urgent business.

**Councillor Andrew Parker  
Chair**

***Public Protection Sub-Committee - 14/12/22***

Meeting concluded at 7.00 pm